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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,340	02/26/2004	Jeffrey M. Fries	024777.0137PTUS	3970
7590	02/22/2008			
IP Department Patton Boggs, LLP Suite 3000 2001 Ross Avenue Dallas, TX 75201			EXAMINER TIEU, BINH KIEN	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 02/22/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/787,340

Applicant(s)

FRIES ET AL.

Examiner

/BINH K. TIEU/

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/10/2007.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-11 and 13-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Cox (US. Pat. #: 6,449,350).

***Regarding claim 1***, Cox teaches a computer system for displaying line unit performance details, the system comprising:

a report display component for displaying a line unit performance report (i.e., display terminal 64, figure 4 displaying total usage and number of calls to the line unit, note col.9, lines 4-15);

a line unit performance details component for displaying details regarding line usage information in a telecommunications network (i.e., the display terminal 64 displays details of line usage information after input query or request (col.12, lines 1-9), such as traffic data measurement of a single switch component or line unit on 30 minute-time periods for a day or thirty (30) days, as shown in figure 2A, note col.10, lines 21-58).

Regarding claims 3-7, Cox further teaches limitations of the claims in figures 5, 6 and 7, note col.12, line 18 – col.13, line 63.

Regarding claim 8, note database 41 in figure 4, col.9, lines 36-64 and col.11, lines 40-60.

Regarding claim 9, note figure 1B, col.9, line 64 through col.10, line 20.

**Regarding claim 11**, Cox teaches a method for displaying line unit performance details in a computerized environment, the method comprising:

displaying a line unit performance report (i.e., display terminal 64, Fig.4 displays a requested line unit report, i.e., total usage or number of calls terminated to a line unit (col.9, lines 9-15));

receiving a request for line unit performance details (i.e., Query server 66 receives a request or query submitted by a user, col.12, lines 1-9); and

displaying the line unit performance details requested (i.e., Query server 66 schedules reports to be displayed, viewed and/or printed, col.12, lines 8-10).

Regarding claims 13-18, Cox further teaches limitations of the claims in figures 5, 6 and 7, note col.12, line 18 – col.13, line 63.

Regarding claim 19, note database 41 in figure 4, col.9, lines 36-64 and col.11, lines 40-60.

Regarding claims 20-21, note figure 1B, col.9, line 64 through col.10, line 20.

**Regarding claim 22**, Cox teaches a method for displaying line unit performance details in a computerized environment, the method comprising:

means for displaying a line unit performance report (i.e., display terminal 64, Fig.4 displays a requested line unit report, i.e., total usage or number of calls terminated to a line unit (col.9, lines 9-15));

means for receiving a request for line unit performance details (i.e., Query server 66 receives a request or query submitted by a user, col.12, lines 1-9); and

means for displaying the line unit performance details requested (i.e., Query server 66 schedules reports to be displayed, viewed and/or printed, col.12, lines 8-10).

Regarding claim 23, note database 41 in figure 4, col.9, lines 36-64 and col.11, lines 40-60.

Regarding claims 24-25, Cox further teaches limitations of the claims in figures 5, 6 and 7, note col.11, lines 25-60 and col.12, line 18 – col.13, line 63.

Regarding claim 26, note figure 1B, col.9, line 64 through col.10, line 20.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cox (US. Pat. #: 6,449,350) in view of Schneid et al. (US. Pat. #: 5,067,149).

Regarding claims 2 and 12, Cox fails to clearly teaches the line unit performance report displays line usage information by switch modules and line units (line cards) for one or more central offices. However, Schneid et al. ("Schneid") teaches such feature in figure 23, col.12, line 54 – col.13, line 17 for a purpose of remotely controlling characteristics and accesses to different line cards.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the feature of the line unit performance report to display line usage information by switch modules and line units (line cards) for one or more central offices, as taught by Schneid, into view of Cox in order to remotely control characteristics of and accesses to different line cards.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Barshefsky et al. (US. Pat. #: 6,385,609) teaches a computerized system and method for displaying switch performance details and load balance activity.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: [BINH.TIEU@USPTO.GOV](mailto:BINH.TIEU@USPTO.GOV).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL CUSTOMER SERVICE FOR THE SUBSTITUTIONS OR COPIES.**

Any response to this action should be mailed to:

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In formation regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the FAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**/BINH K. TIEU/**  
Primary Examiner  
Technology Division 2614

Date: February 2008